

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, October 31, 2013  
Place: U.S. Courthouse, 510 19<sup>th</sup> Street  
Bakersfield, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:  
  
Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:  
  
If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:  
  
If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:  
  
If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

**NOTICE TO ALL PRACTITIONERS AND PARTIES IN BAKERSFIELD BANKRUPTCY  
PROCEEDINGS**

The U.S. Marshal service has informed the bankruptcy court that temporary staffing vacancies preclude adequate security for the Bakersfield Bankruptcy Court. The situation is likely to persist for several months. Therefore, effective immediately, all Bakersfield bankruptcy matters will be heard either in the U.S. Courthouse, 510 19<sup>th</sup> Street, Bakersfield, California (when it is available) or in the Fresno Bankruptcy Court.

The Bakersfield calendar for Thursday, October 31, 2013, will be held in the U.S. Courthouse, 510 19<sup>th</sup> Street, Bakersfield, California.

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**9:00 A.M.**

- |                                                           |                                      |
|-----------------------------------------------------------|--------------------------------------|
| 1. <a href="#"><u>13-13163</u></a> -B-7    AMERICA QUISPE | STATUS CONFERENCE RE: COMPLAINT      |
| <a href="#"><u>13-1088</u></a>                            | 8-13-13 [ <a href="#"><u>1</u></a> ] |
| PARKER V. HUNT                                            |                                      |
| VINCENT GORSKI/Atty. for pl.                              |                                      |
| DISMISSED 10/2/13                                         |                                      |

**This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed. No appearance is necessary.**

- |                                                             |                                 |
|-------------------------------------------------------------|---------------------------------|
| 2. <a href="#"><u>13-11271</u></a> -B-7    SUKHJINDER SINGH | CONTINUED STATUS CONFERENCE RE: |
| <a href="#"><u>13-1083</u></a>                              | COMPLAINT                       |
| TOOR V. SINGH                                               |                                 |
| WILLIAM OLCOTT/Atty. for pl.                                |                                 |
| RESPONSIVE PLEADING                                         |                                 |

10:00 A.M.

1. [11-18507](#)-B-7 JORGE/AUDREY MEDINA MOTION TO AVOID LIEN OF FORD  
LKW-4 MOTOR CREDIT COMPANY  
JORGE MEDINA/MV 9-25-13 [[111](#)]  
LEONARD WELSH/Atty. for dbt.

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9<sup>th</sup> Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

2. [13-12907](#)-B-7 RAUL AGUILAR AND GABRIELA ORDER TO SHOW CAUSE  
VAG-1 CHAVEZ DE AGUILAR 10-10-13 [[29](#)]  
VINCENT GORSKI/Atty. for dbt.  
REOPEN FEE PAID 10/21/13

This Order to Show Cause will be dismissed and dropped from calendar. The case has been reopened, the fee has been paid, and the debtors' discharges have been entered. No appearance is necessary.

3. [13-14732](#)-B-7 LAWRENCE SADLER III AND CONTINUED MOTION TO AVOID LIEN  
JSP-1 MICHELE SADLER OF INTERNATIONAL CREDIT  
LAWRENCE SADLER III/MV RECOVERY, INC. AND/OR MOTION TO  
AVOID LIEN OF JONATHAN NEIL AND  
ASSOCIATES, INC. , MOTION TO  
AVOID LIEN OF DAL-TILE SSC  
WEST, INC. , MOTION/APPLICATION  
TO AVOID LIEN OF ARROW  
FINANCIAL SERVICES, LLC  
8-31-13 [[14](#)]  
JOSEPH PEARL/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

4. [13-14335](#)-B-7 MELVIN DAVIS  
FPS-1  
MELVIN DAVIS/MV  
FRANK SAMPLES/Atty. for dbt.

MOTION TO AVOID LIEN OF TARGET  
NATIONAL BANK  
9-17-13 [[20](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

5. [13-14444](#)-B-7 MARIA BONILLA  
RSW-1  
MARIA BONILLA/MV  
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO AVOID LIEN OF FIA  
CARD SERVICES, N.A.  
10-2-13 [[15](#)]

**This matter will be continued to November 20, 2013, at 10:00 a.m., in Bakersfield, for evidence of ownership. The record suggests that the debtor owned and lived in the Milo Avenue property until approximately March 2013. There is no evidence to show when the debtor purchased or acquired title to the Geneva Avenue property. The debtor shall file evidence to show that the debtor owned the subject property at the time the judgment lien attached. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.**

6. [12-10963](#)-B-7 TEJWANT/KIRPAL BAL  
VAG-1  
TEJWANT BAL/MV  
  
VINCENT GORSKI/Atty. for dbt.

MOTION FOR SANCTIONS FOR  
VIOLATION OF THE DISCHARGE  
INJUNCTION  
10-17-13 [[24](#)]

7. [13-13163](#)-B-7 AMERICA QUISPE  
WIN-5  
AMERICA QUISPE/MV  
CRAIG STREED/Atty. for dbt.

MOTION BY CRAIG STREED TO  
WITHDRAW AS ATTORNEY  
9-16-13 [[54](#)]

8. [11-17271](#)-B-7 LANGLEY-PACIFIC  
KDG-6 RESOURCES, LLC  
LISA HOLDER/MV

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF KLEIN, DENATALE,  
GOLDNER, COOPER, ROSENLIB AND  
KIMBALL, LLP FOR LISA HOLDER,  
TRUSTEE'S ATTORNEY(S),  
10-3-13 [[167](#)]

ROBERT BRUMFIELD/Atty. for dbt.  
NON-OPPOSITION

**The motion for interim/final approval of fees and costs will be granted. Interim payment of 75% of fees and 100% of costs is approved. The balance may be paid, if appropriate, from funds available upon closure of the case. No appearance is necessary.**

9. [11-17271](#)-B-7 LANGLEY-PACIFIC  
TSB-2 RESOURCES, LLC  
RANDELL PARKER/MV

MOTION FOR ORDER AUTHORIZING  
TRUSTEE TO MAKE INTERIM  
DISTRIBUTION TO CREDITORS  
10-3-13 [[175](#)]

ROBERT BRUMFIELD/Atty. for dbt.  
LISA HOLDER/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

10. [13-13176](#)-B-7 TONY PADILLA  
RSW-2  
TONY PADILLA/MV  
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO AVOID LIEN OF CREDIT  
BUREAU OF SANTA MARIA, INC.  
9-6-13 [[28](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

11. [13-13176](#)-B-7 TONY PADILLA  
RSW-3  
TONY PADILLA/MV  
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO AVOID LIEN OF JP  
MORGAN CHASE BANK, N.A.  
9-6-13 [[32](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

12. [13-13586](#)-B-7 LARRY WHITBEY  
CEF-1  
LARRY WHITBEY/MV

CONTINUED MOTION TO AVOID LIEN  
OF CITIFINANCIAL SERVICES, INC.  
AND/OR MOTION TO VALUE  
COLLATERAL OF CITIFINANCIAL  
SERVICES, INC.  
8-21-13 [[15](#)]

CURTIS FLOYD/Atty. for dbt.

**The motion will be denied. The debtor has not responded to the court's civil minute order dated October 3, 2013. The motion seeks to avoid a non possessory non purchase money lien against the debtor's motor vehicle which the debtor asserts is used primarily for personal household use. However, 11 USC §522(f) (1) (B) does not apply to motor vehicles. See 11 U.S.C. §522(f) (4)B) (v). No appearance is necessary.**

13. [13-14896](#)-B-7 MARK/JUANITA TORRES  
KDG-2  
MARK TORRES/MV  
  
JACOB EATON/Atty. for dbt.

MOTION TO AVOID LIEN OF  
PORTFOLIO RECOVERY ASSOCIATES,  
LLP  
10-11-13 [[45](#)]

14. [13-14896](#)-B-7 MARK/JUANITA TORRES  
KDG-3  
MARK TORRES/MV  
JACOB EATON/Atty. for dbt.

MOTION TO AVOID LIEN OF  
COMMERCIAL TRADE, INC.  
10-11-13 [[50](#)]

10:30 A.M.

1. [13-15914](#)-B-7 JAMES DODSON MOTION FOR RELIEF FROM  
NFS-1 AUTOMATIC STAY  
GREENTREE SERVICING LLC/MV 10-16-13 [[11](#)]  
R. BELL/Atty. for dbt.  
NATHAN SMITH/Atty. for mv.
2. [13-16022](#)-B-7 ALEXANDER/NICOLE STOVALL MOTION FOR RELIEF FROM  
JHW-1 AUTOMATIC STAY  
TD AUTO FINANCE LLC/MV 9-18-13 [[14](#)]  
RICHARD DWYER/Atty. for dbt.  
JENNIFER WANG/Atty. for mv.

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.**

3. [13-16124](#)-B-7 TINA NICHOLSON MOTION FOR RELIEF FROM  
JEB-1 AUTOMATIC STAY  
FIRST FINANCIAL CREDIT 9-20-13 [[11](#)]  
UNION/MV  
CYNTHIA SCULLY/Atty. for dbt.  
JAMES BURBOTT/Atty. for mv.

4. [13-14475](#)-B-7 PAUL/THELMA STEPHENSON  
KAF-1  
WELLS FARGO BANK NA/MV  
R. BELL/Atty. for dbt.  
KENNETH FREEDMAN/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-3-13 [[27](#)]

This motion to annul the automatic stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is annulled, from the date the petition was filed and order for relief entered, as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for an award of attorney fees, those requests will be denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

5. [13-15488](#)-B-7 GLEN WESTBERG  
NFS-1  
GREENTREE SERVICING LLC/MV  
PHILLIP GILLET/Atty. for dbt.  
NATHAN SMITH/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-16-13 [[13](#)]



6. [13-15398](#)-B-7 STACY/LISA AREBALO  
EAT-1  
U.S. BANK NATIONAL  
ASSOCIATION/MV  
PATRICK KAVANAGH/Atty. for dbt.  
DARLENE VIGIL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-3-13 [[20](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

**11:00 A.M.**

1.     [13-15804](#)-B-7     JULIO/GUADALUPE NAVARRETE     REAFFIRMATION AGREEMENT WITH  
TOYOTA MOTOR CREDIT CORPORATION  
9-26-13 [[9](#)]  
  
PATRICK KAVANAGH/Atty. for dbt.

2.     [13-15339](#)-B-7     STACEY VILLALOBOS     REAFFIRMATION AGREEMENT WITH  
WESTAMERICA BANK  
9-30-13 [[12](#)]  
  
PATRICK KAVANAGH/Atty. for dbt.

**The court intends to deny approval of this reaffirmation agreement. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.**

3.     [13-14995](#)-B-7     JAMES/DORENE TAPLIN     PRO SE REAFFIRMATION AGREEMENT  
WITH KERN SCHOOLS FEDERAL CU  
10-7-13 [[33](#)]

**1:00 P.M.**

1. [12-19125](#)-B-7 JOHN/BRENDA OWENS  
[13-1018](#)  
AMERICAN EXPRESS CENTURION  
BANK V. OWENS ET AL

TRIAL RE: (62 (DISCHARGEABILITY  
- 523(A)(2), FALSE PRETENSES,  
FALSE REPRESENTATION, ACTUAL  
FRAUD)) : COMPLAINT 13-01018 BY  
AMERICAN EXPRESS CENTURION BANK  
AGAINST JOHN OWENS, BRENDA  
DIANE OWENS. FEE \$293 (TSEF)  
2-11-13 [[1](#)]

JOHN O'DONNELL/Atty. for pl.  
HALF DAY